

**In the
Indiana Supreme Court**



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR ALLEN COUNTY)

Case No. 02S00-1312-MS-791

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Allen Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Allen Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR02-AR1E-1 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR02-AR1E-1 for Allen Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas J. Felts, Allen Circuit Court, 715 South Calhoun Street, #300, Fort Wayne, IN 46802-1805; to the Hon. David Avery, Allen Superior Court, 715 South Calhoun Street, #319, Fort Wayne, IN 46802-1805; to the Hon. Craig J. Bobay, Allen Superior Court, 715 South Calhoun Street, #316, Fort Wayne, IN 46808; to the Hon. Nancy Eshcoff Boyer, Allen Superior Court, 715 South Calhoun Street, #325, Fort Wayne, IN 46802-1805; to the Hon. Wendy Davis, Allen Superior Court, 715 South Calhoun Street, #305, Fort Wayne, IN 46802-1805; to the Hon. Frances C. Gull, Allen Superior Court, 715 South Calhoun Street, #314, Fort Wayne, IN 46802-1805; to the Hon. Daniel G. Heath, Allen Superior Court, 715 South Calhoun Street, #316, Fort Wayne, IN 46802-1805; to the Hon. Stanley A. Levine, Allen Superior Court, 715 South Calhoun Street, #317, Fort Wayne, IN

46802-1805; to the Hon. Charles F. Pratt, Allen Superior Court, 715 South Calhoun Street, #208, Fort Wayne, IN 46802-1805; to the Hon. John F. Surbeck, Jr., Allen Superior Court, 715 South Calhoun Street, #302, Fort Wayne, IN 46802-1805; to the Clerk of the Allen Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Allen Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on December 6, 2013.



Brent E. Dickson
Chief Justice of Indiana

(A) Domestic Relations (DR) cases with self represented litigants

New cases filed with the Clerk of the Allen Superior and Circuit Court on a Verified Petition for Dissolution of Marriage without legal representation shall be assigned on an alternating basis (every other case) to Superior Court 8 and Circuit Court respectively.

(B) Mortgage Foreclosures (MF)

- (1) 10% shall be filed in Circuit Court, and
- (2) 90% shall be filed in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3, and Superior 9).

(C) Civil Collections (CC)

Civil Collection (CC) cases shall be assigned in the proportion of 100% in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3 and Superior 9).

(D) Criminal Cases

- (1) All MR, FA, FB, FC, FD, PC, OV and IF cases, except as provided in (D)(3) hereinbelow, shall be filed evenly among Superior 4, Superior 5 and Superior 6.
- (2) All CM cases shall be divided as follows: 40% in Superior 4, 30% in Superior 5 and 30% in Superior 6.
- (3) All Criminal cases filed by information, charging an offense of:
 - (a) Operating a Motor Vehicle With Lifetime Suspension, a Class C Felony, I.C. 35-30-10-17.
 - (b) Operating While Intoxicated, a Class D Felony, I.C. 9-30-5-3.
 - (c) Operating Vehicle as Habitual Traffic Violator, a Class D Felony, I.C. 9-30-10-16.
 - (d) Criminal Non-support of Dependents, I.C. 35-46-1-5 through I.C. 35-36-1-7.

Shall be filed in the Allen Circuit Court.

(E) Other Civil Cases

- (1) All small claims (SC), mental health (MH), guardianships (GU), estates (EU/ES), trusts (TR), and protection orders (PO) shall be filed in Superior Court divided equally among Superior Court 1, 2, 3 and 9.
- (2) Civil plenary (PL) cases may be filed in Circuit Court or Superior Court. Superior Court PL cases shall be divided evenly among Superior 1, Superior 2, Superior 3 and Superior 9.
- (3) All MH cases shall be divided evenly among Superior 1, Superior 2, Superior 3 and Superior 9.

(F) Civil Tort (CT)

100% civil tort claims (CT) will be filed in the Superior Court, divided ~~equally~~ evenly among Superior 1, Superior 2, Superior 3 and Superior 9.

(G) Civil Miscellaneous (MI)

Property tax cases, property forfeiture cases, expungement cases originating in Circuit Court and name change cases shall be filed in Circuit Court. All other civil miscellaneous (MI) cases shall

be filed in Superior Court, Civil Division and divided among Superior 1, 2, 3, and 9. Expungement (MI) filings originating in Superior shall be divided equally among Superior 4, 5, and 6. All MI Hardship/Conditional Licenses should be filed in Superior Court and divided equally between Superior 7 and 8.

(H) Juvenile Cases

(1) All juvenile CHINS (JC), juvenile termination (JT), juvenile miscellaneous (JM) and adoptions (AD) shall be filed in Superior Court 8, and juvenile delinquency (JD) and juvenile Status (JS) shall be filed in Superior Court 7.

(2) Juvenile Paternity (JP) cases may be filed in Circuit Court or Superior Court.

(I) Other Family Cases

(1) Domestic relations (DR) may be filed in Circuit Court or Superior Court.

(2) Of the DR cases filed in Superior Court 32% shall be filed in Superior 7 and 68% in Superior 8.

(3) All Reciprocal support (RS) cases shall be filed in Superior Court and divided evenly between Superior 7 and 8.

(Amended effective January 1, 2014)